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July 31, 2013

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

RE: Ex Parte Presentation of Theatre Organizations  
in WT Dockets Nos. 08-166 and 08-167  
ET Docket No. 10-24  
GN Docket No. 12-268

Dear Ms. Dortch:

On July 29, 2013, the representatives of theatre organizations listed below met with members of the Incentive Auction Task Force. From the Wireless Telecommunications Bureau: Paul Murray, Stephen Buenzow, and Paul D'Ari. From the Office of Engineering and Technology: Alan Stillwell, Bruce Romano, Geraldine Matise, Karen Rackley, Robert Weller, and Donald Campbell.

The theatre representatives were: Harvey Fierstein, actor, writer, six-time Tony Award winner; Laurie Baskin, Director of Research, Policy & Collective Action, Theatre Communications Group; from the Broadway League: Tom Ferrugia, Director of Government Relations; Erica Ryan, Manager, Government Relations; and Elisa Schevitz, Director of Public Relations; Henry Cohen, RF Engineering Consultant, Production Radio; Emily Travis, Senior Associate, Association of Performing Arts Presenters; Patty McQueen, Communications Strategies; and the undersigned of this firm, representing the Alliance of Resident Theatres / New York and the Broadway League.

Mr. Fierstein provided a first-hand, user's perspective on the importance of wireless microphones, intercoms, and cue-and-control devices to today's sophisticated theatrical productions. Audiences accustomed to high-quality sound from motion pictures and home theatres demand the same level of aural experience in a professional theatre setting. Actors can provide subtle, nuanced performances with amplified sound that are impossible if they must strain to play to the back of the house. Stage movements would be dangerous or impossible with microphone cables trailing along. Only wireless microphones operating in UHF television channels are currently capable of filling these requirements. Additionally, complex special effects, including pyrotechnics, and precise control of electronic scene and prop movements require communication among stagehands and others to protect the safety of backstage workers, actors, and audience members. These instruments also operate on the same TV band frequencies.

Along with insider anecdotes, Mr. Fierstein provided details on the numbers of people who flock to Broadway performances, creating \$12 billion in annual revenue, more than all New York City sports franchises put together, and responsible, directly and indirectly, for about 85,000 jobs. He also noted that touring Broadway productions bring professional theatre to more than 200 cities in North America, contributing another \$3.25 billion to the national economy.

Mr. Ferrugia and Mr. Cohen explained the difficulties of coordinating frequencies in areas like the Broadway Theatre District. They described the process beginning with research on FCC databases and an on-site scan for available frequencies. They also discussed the challenges that touring theatre companies must face when they bring shows to a city, requiring on-the-spot adjustments of wireless frequencies. This is one major reason why large theatres need Part 74 licensing to avoid the 30-day notice period that precedes access to the TV Bands database for unlicensed users. Commission staff and the theatre representatives briefly discussed the size of theatres that might qualify for licensing. Mr. Ferrugia noted that Broadway League comments suggested an audience capacity of 500 or more, if the Commission needs a specific threshold. Mr. Fierstein pointed out that this is a metric used in Actors' Equity contracts.

Ms. Baskin and Ms. Travis emphasized the need for "safe haven" channels in each market, available for unobstructed wireless microphone use without database registration. These will be sufficient for many productions using fewer microphones, even many (non-musical) plays at larger theatres. They also pointed out the financial issues that nonprofit theaters experienced when they moved from the 700 MHz band and how these theatres fear the possibility of another expensive relocation following the incentive auctions.

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Additional details on these positions can be found in the Comments filed in these proceedings in January by the Broadway League and the Performing Arts Wireless Microphone Working Group. They emphasize the need for rules that allow wireless microphones to access UHF spectrum wherever possible, with protection in the TV Bands database, Part 74 licensing for large live-performance venues, and the continuation of two reserved wireless microphone channels. The theatre organizations recognize the significant challenges the Commission is now facing, but are concerned that if adequate protection is not provided for wireless microphones, the repercussions will echo loudly for years.

Sincerely,

/s/

David H. Pawlik

cc: Stephen Buenzow  
Donald Campbell  
Paul Murray  
Geraldine Matise  
Alan Stillwell  
Bruce Romano  
Paul D'Ari  
Robert Weller  
Karen Rackley